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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/612,435	07/07/2000	Nobuaki Miyahara	35.C14624	7059
5514	7590	10/05/2004	EXAMINER	
FITZPATRICK CELLA HARPER & SCINTO			TRAN, DOUGLAS Q	
30 ROCKEFELLER PLAZA			ART UNIT	
NEW YORK, NY 10112			PAPER NUMBER	

2624

DATE MAILED: 10/05/2004

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Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/612,435

Applicant(s)

MIYAHARA, NOBUAKI

Examiner

Douglas Q. Tran

Art Unit

2624

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-8, 10-18 and 20-92 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☐ Claim(s) ____ is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☒ Claim(s) 1-8, 10-18 and 20-92 are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: ____.

Election/Restriction

Restriction to one of the following inventions is required under 35 U.S.C. § 121:

I. Claims 1-6, are drawn to a print server having determination means for determining one of the BW image formation apparatus and the color image formation apparatus , which has an inserter having a sheet path not passing through a fixing unit, as a base; and instruction means for inserting the one of the BW page and the color page, set through the inserter and previously output, and simultaneously instructing to output the other of the BW page and the color page.

II. Claims 7-8, 10-16 are drawn to an image formation system having control means makes the different transmitting timing of the first kind image data to the first image formation apparatus and a second kind image data to **a second forming apparatus** in accordance with a function of the first image formation apparatus or a function of the second image formation apparatus.

III. Claims 17-18, 20-22 are drawn to an image formation system having control means makes the different transmitting timing of the image data to the first image formation apparatus and the **other forming apparatuses** in accordance with a function of the first image formation apparatus or a function of **the other image formation apparatuses**.

IV. Claims 23-44, are drawn to an operating system comprising an operation unit to cause to execute a first and second printing operation in which the first printing device to operate

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so that the first printing operation is started **after the second printing operation was started** when the inserter function in the first printing operation is used.

V. Claims 45-79, are drawn to a print unit to cause the first printing device to execute a first printing operation based on first data output from a same data source which can output second data of an object to be printed in a second printing operation by the second printing device, in which the first printing device to operate so that the first data is stored in the first printing device before the second printing operation is finished and the first printing operation can be started **after the second printing operation is finished** when the inserter function in the first printing operation is used.

VI. Claims 80-92, are drawn to the first printing device to operate so that the first data stored in the first memory **before the second printing operation is finished** and the first printing operation based on the first data of the first memory can be started after the second printing operation is finished when the inserter function in the **first printing operation is used**; and

the first printing device to operate so that the second data stored in the second memory **before the first printing operation is finished** and the second printing operation based on the second data of the second memory can be started after the first printing operation is finished when the inserter function in the **second printing operation is used**.

The inventions are distinct, each from the other because of the following reasons:

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Inventions I-VI are related as subcombinations disclosed as usable together in a single combination. The subcombinations are distinct from each other if at least one subcombination is separately usable. In the instant case, each invention has separate utility such as operating either independently or in combination with other subcombinations according to the particular claimed limitations which characterize the invention, without requiring the particular limitations which characterize the other invention(s), as indicated above. See M.P.E.P. § 806.05(d).

Because these inventions are distinct for the reasons given above, requiring separate consideration and search, restriction for examination purposes as indicated is proper.

Should applicant traverse on the ground that the inventions are not patentably distinct, applicant should submit evidence or identify such evidence now of record showing the inventions to be obvious variants or clearly admit on the record that this is the case. In either instance, if the examiner finds one of the inventions unpatentable over the prior art, the evidence or admission may be used in a rejection under 35 U.S.C. § 103 of the other inventions.

Applicant is advised that the response to this requirement to be complete must include an election of the invention to be examined even though the requirement be traversed (37 CFR 1.143).

Contact Information

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Douglas Q. Tran whose telephone number is (703) 305-4857 or E-mail address is douglas.tran@uspto.gov.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 305-4700.

Douglas Q. Tran
Sep. 27, 2004

